

No. 5:12-CV-153-H

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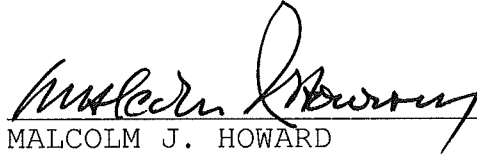
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This matter is before the court on defendant's unopposed motion to dismiss plaintiff's complaint for failure to effect service within the time prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, which motion was filed on March 4, 2013. Rule 4(i) of the Federal Rules of Civil Procedure sets forth the manner in which service must be made upon the defendant in this action. Rule 4(m) further provides that service must be made within 120 days after the complaint is filed.

Defendant contends, and the court agrees, that plaintiff has not complied with the requirements for service of the defendant. Notice having been given to plaintiff of his noncompliance and plaintiff having failed to show good cause or request additional time to effect service, plaintiff's complaint is hereby DISMISSED WITHOUT PREJUDICE for failure to effect

service within the time prescribed by Rule 4(m). The clerk is directed to close this case.

This 31st day of May 2013.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

MALCOLM J. HOWARD
Senior United States District Judge

At Greenville
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